

M I N U T E S
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

SEPTEMBER 27, 2005

Meeting was commenced at 7:05 p.m.

PRESENT:

Council Members: Chairman John Winder, Vice Chairman Steve Fairbanks, Scott Cowdell, Chris McCandless, Linda Martinez-Saville, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: City Attorney Walter Miller; Community Development Director Mike Coulam; Senior Planner Jim McNulty; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Assistant Economic Development Director Nick Duerksen; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Council Office Manager Naleen Wright; Political Candidates: Max Burdick; Steve Smith; and Sylvia Anderson

ABSENT/EXCUSED:

Councilman Bryant Anderson (business); CAO Byron Jorgenson & Assistant CAO Jamie Davidson (CAO Seminar); Council Office Director Phil Glenn (vacation)

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Boy Scout Richard Larsen of Troop #104, and the Pledge was led by Taylor Hales, also of Troop #104.

2. **CITIZEN(S) COMMENTS:**

a. None

PUBLIC HEARING(S):

3. **Ponderosa South Rezone**

Public Hearing to consider a request to rezone approximately 7.54 acres located at approximately 91 West 9000 South from the R-1-40A "Residential District" to the PUD (8) "Planned Unit Development District" and the RC "Regional Commercial District". Properties are also being requested to be rezoned from the RC "Regional Commercial District" to the PUD (8) "Planned Unit Development District".

DISCUSSION: Senior Planner Jim McNulty explained that Mr. Dave Helm, who represents Ponderosa Properties Inc., has submitted a request to rezone approximately 7.54 acres from the R-1-40A "Residential District" to the PUD(8.0) "Planned Unit Development District", and the RC "Regional Commercial District". Properties are also being requested to be rezoned from the RC "Regional Commercial District" (small triangular parcel on the south end of site) to the PUD (8.0) "Planned Unit Development District." The properties are located at 91 West 9000 South.

The subject properties are bordered by 9000 South to the north, with the Jordan & Salt Lake Canal and vacant Miller properties to the south. To the west is an existing retail center within the RC Zone, and to the east is the Tiny Wood Village Mobile Home Park.

Currently, the property is occupied by a vacant house and a garage building. The applicant has provided written consent from the various owners to allow the rezoning of the properties to move forward. If rezoned, the proposed developments would require Planning Commission approval as part of the site plan review process.

The applicant is proposing an overall development plan allowing for a commercial pad adjacent to 9000 South, with the proposed town homes to the south. The **commercial frontage** will provide a new service that is not available under the current zoning. All the housing proposed for the project will be for sale to individual

homeowners.

Staff is in support of the proposed **0.99 acre parcel adjacent to 9000 South being rezoned to RC** "Regional Commercial District". This would allow for a future retail or office use on the site, thus, creating a transition between the residential portion of the project and 9000 South. This is an appropriate design solution for the overall site.

The proposed **PUD(8.0) Zone would be located on the remaining 6.56 acres** south of the RC Zone. The applicants are proposing to develop a PUD multi-family town home project on the site. The applicants are proposing that this portion of the project include the following:

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- T Building elevations will provide architectural interest but will be maintenance free.
- T Restrictive covenants and requirements for yard and exterior upkeep.
- T A common area maintenance agreement for landscape work, snow removal, and upkeep of the interior roadways and sidewalks.
- T A total of 49% of the housing development will be open space with two (2) tot lot areas, two (2) gazebos and picnic areas.
- T A public street system with access to future development parcels according to the 90th South Gateway Master Plan.

The PUD Zone would require the project to provide amenities to those who live in the project. This would not be a significant benefit to the area as a whole, but would be a benefit to those who purchase a home in the project. There is a lack of open space/park areas within the immediate vicinity of the project.

The Sandy City 90th South Gateway Master Plan recommends that the subject property be considered for commercial and medium to high residential uses. The PUD development concept encourages a more efficient use of land by encouraging subdivision designs which allow more open space to be preserved. The proposed development will help create public road connections between future neighborhoods, to the south as recommended in the Master Plan.

Unlike standard residential zoning districts, a **PUD District would give the Planning Commission some abilities to control the quality of the project**. Within reason, the Planning Commission can require additional amenities and other design or qualities which can affect the value of the residential product. Although, the proposal before the Planning Commission relates only to the rezoning, it could be emphasized to the applicants that if the rezoning is approved, it would be expected that the Planning Commission approval of any project within the area will be based on the quality of the project in terms of building layout/compatibility, density, landscaping, traffic flow, street widths/dedication, trails, parking of vehicles, and building design/materials etc.

The **PUD Zone** would allow for a variety of dwelling types and site arrangements. The PUD development concept also encourages a more efficient use of land by clustering homes which allows more open space to be preserved, and would also allow for some flexibility in the development of this irregular shaped parcel.

There are a number of development issues associated with the development of the property. However, Staff feel that the following can be addressed during the subdivision and site plan review process.

1. Access and public street requirements/trails (according to 90th South Gateway Master Plan)
2. Traffic impacts
3. Density of the project
4. Comply with PUD parking requirements
5. Sidewalks, parkstrips and street trees
6. Open Space requirements
7. Building design/materials
8. Appropriate landscape & irrigation plans
9. Appropriate project amenities
10. Appropriate fencing
11. Acceptable grading/engineered drawings
12. Possible integration with a large scale mixed use development plan for this super block.

STAFF RECOMMENDATION:

Staff recommend that the proposed Ponderosa South request to rezone approximately 7.54 acres from the R-1-40A

"Residential District" and the RC "Regional Commercial District" to the PUD(8.0) "Planned Unit Development District" and the RC "Regional Commercial District" be approved. The overall density on the subject property would be 8.0 units per acre, which would allow up to 52 total units. This recommendation is based upon the following findings:

- 1) The proposed rezoning is in harmony with the Sandy City Development Code, 90th South Gateway Master Plan and the goals and policies of the Sandy City General Plan.
- 2) The proposed RC Zone would allow for a commercial/retail or office use adjacent to 9000 South. This type of option is appropriate along 9000 South. Also, the proposed residential portion of the project will be buffered from 9000 South by a future commercial user.
- 3) The PUD Zone encourages the type of housing developments that would be more suitable for the subject property based on what has already been established in the immediate vicinity.
- 4) Providing a project with amenities would not be a significant benefit to the area as a whole, but would be a benefit to those who purchase a home in the project. There is a lack of open space areas within the immediate vicinity of the project.
- 5) The major objectives of the City are not to create neighborhoods with smaller lots, but to create a viable neighborhood that provides a quality living environment which encourages contact between neighbors and provides quality housing for families in various stages of life, while at the same time creating significant amenities and services for the residents within that neighborhood.
- 6) Planning Commission approval of any project within the area will be based on the quality of the project in terms of building layout/compatibility, density, landscaping, traffic flow, street widths/dedication, trails, parking of vehicles, and building design/materials etc.

MOTION: Dennis Tenney made the motion to have documents prepared to rezone approximately 7.54 acres, located at approximately 91 West 9000 South, from the R-1-40A "Residential District" to the PUD (8) "Planned Unit Development District" and the RC "Regional Commercial District". Properties are also being requested to be rezoned from the RC "Regional Commercial District" to the PUD (8) "Planned Unit Development District".

SECOND: Linda Martinez Saville

VOTE: Tenney- Yes, Saville- Yes, Fairbanks- Yes, Winder- Yes, McCandless- Yes, Anderson- Absent, Cowdell- Yes

MOTION PASSED
6 in favor, 1 absent

COUNCIL ITEMS:

4. Appointing an Alternate Member to the Sandy City Planning Commission [Ken Reber]
Resolution #05- 10 M - providing the Council's advice and consent to the Mayoral appointment of Ken Reber as an alternate member to the Sandy City Planning Commission.

MOTION: Dennis Tenney made the motion to provide the Council's advice and consent to the Mayoral appointment of Ken Reber as an "Alternate" member of the Sandy City Planning Commission with a term ending March 31, 2006.

SECOND: Chris McCandless

VOTE: Tenney- Yes, McCandless- Yes, Fairbanks- Yes, Winder- Yes, Saville- Yes, Anderson- Absent, Cowdell- Yes

MOTION PASSED
6 in favor, 1 absent

5. Appointing a Regular Member to the Sandy City Planning Commission [Monica Collard]
Resolution #05-09 M - providing the Council's advice and consent to the Mayoral appointment of Monica Collard as a regular member to the Sandy City Planning Commission.

MOTION: Steve Fairbanks made the motion to provide the Council's advice and consent to Resolution #05-09 M - providing the Council's advice and consent to the Mayoral

appointment of Monica Collard as a regular member to the Sandy City Planning Commission to serve a term ending on March 31, 2008.

SECOND:

Dennis Tenney

VOTE:

Fairbanks- Yes, Tenney- Yes, Winder- Yes,

Saville- Yes, McCandless- Yes, Anderson- Absent, Cowdell- Yes

MOTION PASSED

6 in favor, 1 absent

6. Midvale City Boundary Adjustment

Resolution #05- 76 C - to consider adopting a resolution declaring the intent of Sandy City to adjust its common boundary with Midvale City. The property in question is owned by Mr. Bob Brown and is located at the extreme edge of the city limits on the north end of 700 East. The subject property comprises approximately one acre. Because of the site and situation of this property, it has been determined that consideration should be made for inclusion within Midvale City limits. The proposed boundary adjustment requires each municipality to pass a resolution of intent, hold a public hearing not less than 60 days after the adoption of the resolution, and publish notice at least once a week for three successive weeks.

DISCUSSION: Mike Coulam reported that Utah Code Annotated Section 10-2-419 establishes a process whereby two municipalities may adjust their common boundary. Under these provisions, the affected city must adopt a resolution of intent to adjust their boundary, which Sandy City will be doing this evening, if the Council concurs.

Robert Brown owns property located at 7596 South and 7612 South 700 East in Sandy. Mr. Brown is desirous of developing his lots in conjunction with neighboring small parcels which are located and being planned for development in Midvale City. Mr. Brown's desire is to have 100% of these parcels located and developed in the boundaries of Midvale City, which would require a common boundary adjustment between Sandy City and Midvale City. Staff have reviewed this request and concur. It is their recommendation that the Council approve the resolution of intent.

If approved, a public hearing is to be held no less than 60 days after the adoption of the resolution. A notice must be published at least once a week, for three consecutive weeks, in a newspaper of general circulation. The first publication shall be within 14 days of adoption of the resolution of intent.

MOTION:

Chris McCandless made the motion to adopt Resolution #05- 76 C - declaring the intent of Sandy City to adjust its common boundary with Midvale City. The property in question is owned by Mr. Bob Brown and is located at the extreme edge of the city limits on the north end of 700 East.

SECOND:

Dennis Tenney

VOTE:

McCandless- Yes, Tenney- Yes, Fairbanks- Yes, Winder- Yes,

Saville- Yes, Anderson- Absent, Cowdell- Yes

MOTION PASSED

6 in favor, 1 absent

7. Report Regarding Restrictions on the Sale of Real Property/Bell Canyon

Resolution #05-77 C - approving restrictions on the sale of real property.

DISCUSSION: City Attorney Walter Miller reported that Sandy City owns approximately 224.24 acres of real property located at or near Bell Canyon Reservoir. The City maintains this property for watershed protection and for recreational uses by the Sandy public. Sandy City desires to retain ownership of said property until such time as Sandy electors approve other wise. Section 11-1-24(c) authorizes the Mayor of Sandy City to encumber real property owned by the City as follows: "...every conveyance, gift or encumbrance of inventoried City property shall be made by the Mayor, or under the Mayor's express written authority specifying what items are covered thereby."

The purpose of this resolution is to have the Council approve placement by the Mayor of restrictions on this real property as follows:

- (1) "No substantial portion of this property shall be sold or otherwise conveyed by Sandy City to any party, unless a majority of Sandy City electors voting in a municipal election have first approved such action."
- (2) The City Council further approves recording, by the Mayor, of such restrictions with the Salt Lake County Recorder's Office.

MOTION:

Chris McCandless made the motion to adopt Resolution #05-77 C - approving

restrictions on the sale of real property.
SECOND: Dennis Tenney
VOTE: McCandless- Yes, Tenney- Yes, Fairbanks- Yes, Winder- Yes,
Saville- Yes, Anderson- Absent, Cowdell- Yes

MOTION PASSED
6 in favor, 1 absent

MINUTES:

8. Approving the September 20, 2005 City Council Meeting Minutes.

MOTION: Dennis Tenney made the motion to adopt the September 20, 2005 City Council Meeting Minutes as written.
SECOND: Chris McCandless
VOTE: The Council voted verbally and unanimously in the affirmative.

9. **MAYOR'S REPORT:**

a.

10. **CAO'S REPORT:**

a.

11. **COUNCIL OFFICE DIRECTOR'S REPORT:**

a. Due to the absence of Phil Glenn (vacation), Naleen Wright provided the Council with a packet of information regarding the National League of Cities Meeting to be held in North Carolina in December. Dennis Tenney stated that he would be going, as he is a member of one of the committees involved in this seminar. Linda Saville and Chris McCandless stated that they would definitely not be going.

b.

12. **OTHER COUNCIL BUSINESS:**

a.

At approximately 7:45 p.m., Scott Cowdell made a motion to adjourn Council Meeting, motion seconded by Steve Fairbanks.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

John B. Winder
Council Chairman

Naleen Wright
Council Office Manager